

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL GARRISON,

Plaintiff,

CIVIL ACTION NO. 06-CV-13258-DT

VS.

DISTRICT JUDGE NANCY G. EDMUNDS

BETH DAVIS, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

OPINION AND ORDER GRANTING DEFENDANT'S MOTION TO COMPEL

This matter comes before the Court on the Motion to Compel filed by Defendant Correctional Medical Services, Inc. on April 15, 2009. (Docket no. 81). Plaintiff has not responded, and the time for responding has now expired. All pretrial matters have been referred to the undersigned for decision. (Docket no. 26). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This matter is now ready for ruling.

Defendant CMS shows that it sent to Plaintiff a medical release for him to sign and return which authorized disclosure of Plaintiff's complete prison health record. (Docket no. 81 ex. A). Plaintiff returned the signed release, however he limited the information to be disclosed to that pertaining to his rhinitis and sinusitis conditions. (*Id.* ex. B). Defendant CMS now moves pursuant to Fed. R. Civ. P. 37(a) and 26(b)(1) for the Court to order Plaintiff to allow CMS access to Plaintiff's complete medical record or to dismiss the case with prejudice. (*Id.* at 4).

Plaintiff is a state prisoner who filed this civil rights action pursuant to 42 U.S.C. § 1983 claiming that Defendant CMS was deliberately indifferent to his serious medical needs while in prison. (Docket no. 45). Plaintiff complains of sinusitis, breathing problems, and bloody nasal

discharges. (*Id.*). Because Plaintiff has not responded to this motion, the Court finds that it is unopposed and will therefore be granted. The Court further finds that the information sought is relevant under Fed. R. Civ. P. 26(b)(1). Defendant's Motion to Compel will therefore be granted.

IT IS THEREFORE ORDERED that the Motion to Compel of Defendant CMS (docket no. 81) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant send Plaintiff another release form on or before May 13, 2009, and that Plaintiff sign that form allowing the release of his complete prison health record and mail it back to Defendant's counsel on or before May 20, 2009.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 05, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Michael Garrison and Counsel of Record on this date.

Dated: May 05, 2009

s/ Lisa C. Bartlett
Courtroom Deputy